

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

DONNA ANTONIO ROYALE,

DOCKET & FILE

Petitioner,

MEMORANDUM AND ORDER

-against-

10-CV-3113 (KAM)

IMMIGRATION & NATURALIZATION SERVICE,

Respondent.

KIYO A. MATSUMOTO, United States District Judge:

Petitioner Donna Antonio Royale brings this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 seeking to reopen his removal proceedings and stay his order of deportation. Petitioner previously filed a petition requesting the same relief. *See Royale v. INS*, 10-CV-2105 (KAM) (E.D.N.Y. June 7, 2010). The court dismissed that petition because the REAL ID Act of 2005, 8 U.S.C. § 1252(a)(5), strips district courts of jurisdiction to stay or review a final order of removal. *See De Ping Wang v. Dep't of Homeland Sec.*, 484 F.3d 615 (2d Cir. 2007); *Acosta-De La Cruz v. United States*, No. 07-CV-5386, 2008 U.S. Dist. LEXIS 52801, 2008 WL 2700293, at *2 (E.D.N.Y. July 9, 2008).

The instant petition is dismissed on the same grounds. Moreover, the court concludes, as it did in 10-CV-2105, that the petition should not be transferred to the Court of Appeals pursuant to 28 U.S.C. § 1631, because the petition is untimely. *See De Ping Wang*, 484 F.3d at 618.

Because this court has no jurisdiction to review Petitioner's claims under 28 U.S.C. § 2241, the Petition is dismissed. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith; accordingly, the court declines to grant *in forma pauperis* status for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S.

438, 444-45 (1962). The Clerk of Court is respectfully directed to enter judgment, close this case, and mail a copy of this order to petitioner's address of record.

SO ORDERED.


/Signed by Judge Matsumoto/

KIYO A. MATSUMOTO
United States District Judge

Dated: Brooklyn, New York
July 29, 2010